

# PALESTINIAN LEGISLATIVE COUNCIL

## **DRAFT GENERAL ELECTIONS LAW**

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***Submitted By: PLC Member/Dr. Azmi Al-Shuaibi***

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## **Title One**

### **Definitions and General Provisions**

#### **Chapter 1**

##### **Code title and definitions**

###### **Article 1**

**The following expressions wherever they occur in this law shall have the meanings as indicated below unless indicated other wise:**

**Permanent Elections Commission:** the permanent election committee formulated in accordance with the provisions of this law

**Voter:** anyone entitled to elect members of the Deputy Council and the President

**Balloter:** any voter casting a ballot during elections

**President:** President of the State of Palestine

**Candidate for Presidency:** anyone whose request for nomination for Presidency has been accepted in accordance with the provisions of this law

**Political Party:** any political party that is officially registered in the State of Palestine in accordance with the existing laws

**Party's list:** the list submitted by a political party or a coalition of political parties that contains the names of candidates selected by the party to occupy seats in the Deputy Council in one constituency.

**Constituency:** every part of the country for which a number of parliamentary seats have been allocated in accordance with the provisions of this law

**Balloting station:** the place allocated by the permanent election committee within the constituency to conduct balloting

**Election area:** ever part of the constituency where a polling center or centers are located

**Resident:** the person is generally considered a resident in his constituency where his residence is located. He or she will remain a resident even if he or she is does not live in his residence as long as he or she possesses the right to return to it at any time he or she wants.

**Permanent residency:** address of the individual within the area of the polling center where he or she resides during the period of voter registration

**Preliminary voters list:** the list that contains the names of individuals who are entitled to vote in addition to data about them which should be prepared and published in the event of contesting them in accordance with the provisions of this law

**Final voters list:** the final list of voters' names in the constituency

## **Chapter 2**

### **General Provisions**

#### **(Article 2)**

- 1. Members of the deputy council and the president shall be elected in general, free, direct, confidential, individualistic, fair and just elections in accordance with the provisions of this law**
- 2. Voting is optional. It is not possible to deprive anyone from exercising their right to voting**

#### **(Article 3)**

1. The number of deputies in the state of Palestine shall be 100.  
The term in office shall last for 4 years
2. The term in office for the President shall be last for 4 years. It is not possible to elect the same President for more than two consecutive terms.
3. General elections to choose the President and the members of the Deputy Council shall be conducted in one day in all constituencies in accordance with constitutional schedules

#### **(Article 4)**

1. For the purpose of electing members of the Deputy Council, the country shall be divided into 5 constituencies with equal number of seats whenever it is possible to do so
2. There shall be one constituency to elect the President
3. The permanent election commission shall issue a regulation determining the borders of every constituency and the populated areas related to it in a manner that will safeguard proportionality between the allocated number of seats and the population number of the constituency so that fairness and equity are preserved in all constituencies as much as possible.

### **Title 2**

#### **Formation of the committees and the Appellant Court**

#### **(Chapter 2)**

#### **The formation of the permanent election committee**

#### **(Article 5)**

A committee is formed which, hereinafter, shall be known as the permanent election commission. The mission of the commission is to undertake all measures meant to initiate the process of general elections including preparation, organization and supervision. The commission shall also take all measures which are meant to guarantee integrity, safety and security of elections. The commission shall undertake the following:

1. Administer and supervise elections
2. Set up the required regulations to apply the provisions of this law

3. Determine constituencies and election areas and balloting centers
4. Appoint constituency committees, voters' lists committees, balloting and counting committees. The commission shall supervise and administer the actions of these committees.
5. Issue identification cards to election observers and facilitate their work
6. Supervise the counting of votes, calculate results and declare them
7. Raise the awareness of citizens on the importance of elections and prepare explanatory bulletins to introduce the election law and the process of elections to the public
8. Any other jurisdiction and missions stipulated by the implementation of the provisions of this law.

**(Article 6)**

The permanent election commission shall be made up of 9 individuals appointed by the President and approved by the deputy council in the following manner:

1. 2 judges either still in office or retirees whose level should not be less than that of a judge in the court of Appeals
2. 2 lawyers or / and jurists with experience
3. 5 individuals of experience and professional qualifications

**(Article 7)**

A member in the permanent election committee should be as follows:

1. Palestinian
2. Not less than 35 years old
3. Should not have been convicted with an election crime or a misdemeanor related to honor or a felony and have not recuperated their esteem
4. Should not be a member of a political party whether the party is participating in the elections or not

**(Article 8)**

Before assuming their duties, members of the permanent election committee will take the following oath before the President and the Speaker:

**" I swear to God that I will carry out my duty in the permanent election commission in loyalty, integrity, honor, professionalism and loyalty without fear or nepotism"**

**(Article 9)**

**The headquarters of the permanent commission shall be in Jerusalem.  
The commission can open up branch offices in other districts.**

**Article 10**

- 1. The permanent committee shall select a president among its members and shall set up its own by-laws to administer its performance**
- 2. In order to perform its functions, the permanent commission can establish its own sub-committees, or other permanent or temporary committees, appoint committee head, assign them mandate, missions and terminate their performance.**
- 3. The permanent commission can seek assistance from experts, appoint and an appropriate number of staff members and can rent or buy offices and all other required equipment and facilities.**

**Article 11**

- 1.The permanent commission shall have its own independent budget. The Executive authority shall put under the commission's disposal all possible abilities to enable it perform its duties in the best manner.**
- 2. Staff members appointed by the commission shall be subject to the civil service code in accordance with Article 2, paragraph 2 of the mentioned code**

**(Article 12)**

- 1. It shall not be possible to remove any of the members of the permanent commission**
- 2. Without prejudice to the above paragraph of this article, it is possible for the president upon ratification of the deputy's council to remove any of the permanent commission members in any of the following cases:**
  - One- Loss of legal eligibility based upon a judicial order from a competent court**
  - Two- If any of the terms indicated in article 7 is not met**

**Three-        Loss of health eligibility based upon a medical report issued by a specialized medical committee**

**(Article 13)**

**If a vacant position arises due to the death of one of the members of the permanent commission or due to resignation or removal in accordance with paragraph 2 of Article 12, the vacancy shall be filled in the same manner that the member had been appointed in accordance with article 6 provided that the new member meets the terms referred to in article 7 of this Code.**

**Capter 2  
Constituencies' Committees**

**(Article 14)**

- 1. Each of the constituencies shall form a committee to be known as the constituency committee**
- 2. Each constituency committee will be made up of 5 members appointed with a decision by the permanent election commission. All members must possess university education**
- 3. In addition to what is indicated in the above paragraph, terms for membership in the permanent election committee should be similar to those referred to in Article 7 with the exception of age.**
- 4. The permanent election commission will appoint among its members a President and a Secretary.**

**(Article 15)**

**Before assuming their duties, members of constituency committees will take the following oath before the President of the President of the permanent election committee and several members of its members:  
" I swear to God that I will carry out my duty in the permanent election committee in loyalty, integrity, honor, professionalism and loyalty without fear or nepotism"**

**(Article 16)**

The constituency committee shall assume the responsibility of administering, organizing and overseeing the election process of the constituency under its mandate in accordance with rules, regulations and instructions issued for this purpose. The committee will also undertake the following missions:

1. Supervise the preparations of a permanent election table for the constituency and update it according to what is indicated in this law
2. Supervise the balloting process, counting in balloting stations, and reporting to the permanent election commission
3. Facilitate the work of observers and journalists, examine reports referred by observers, investigate them, take decisions on them or report on them to the permanent election committee according to need.
4. Review minutes of elections results issued by balloting station committees and ensure their accuracy and whether they meet the provisions of this law and then present them to the permanent election commission.
5. Implement instructions and directives issued by the permanent election commission in accordance with the related rules and regulations issued in this regard.

### **Chapter 3**

#### **Formation of an election appeal court**

##### **(Article 17)**

1. A panel made up of one Judge whose level is no less than a Judge in the appellant court shall form the election appeal court and four Judges with a level no less than Judges in the Court of First Instance. They shall be appointed by the Supreme Judicial Council and they could be either sitting Judges in regular courts or retired Judges.
2. The decision of appointment shall be valid for one election period only

##### **(Article 18)**



1. The court shall convene in the presence of not less than a presiding Judge and two more sitting judges. The court may convey in its full panel to examine important cases depending on the President's discretion.
2. The official headquarters of the court will be located in Jerusalem
3. The court shall have one office in every constituency to register cases and allow filers to report to it upon need

**(Article 19)**

The presiding Judge may convene court sessions in locations other than the official headquarter

**(Article 20)**

1. Court proceedings shall be made public and the court shall allow defense for the litigates
2. Court rulings shall be made by majority based upon the Judges' discretion and the evidence or / and proof (exhibits)
3. The court proceedings should be featured by speed in response to the nature of claims examined by the court without prejudice to the right to defense
4. Trial cannot be adjourned unless there is a need to maintain the right to defense, however, adjournment cannot exceed more than 24 hours.

**(Article 21)**

The court shall specialize in examining appeal claims and contests submitted to repeal or amend decisions issued by the permanent election committee or cases that this law allows be appealing or contesting before the election appeal court. These decisions can include the following:

- a- Acceptance or rejection of candidacy for presidency or acceptance or rejection of election lists or any of the candidates in those lists.
- b- Repeating or not repeating the elections in any of the balloting stations
- c- Acceptance or rejection of applications by Palestinian NGO's as election observers.
- d- Determine the symbol or the logo for election lists

**(Article 22)**

**Appeals at the court should take place three days after notification. The court shall issue its ruling within 5 days after submitting the appeal.**

**(Article 23)**

**Appeals referred to in Article 21, paragraphs A to C shall be exempted from fees**

**Title 3**

**The right to voting a candidacy**

**Chapter 1**

**The right to voting and voters lists**

**(Article 24)**

- 1. Each citizen in Palestine who has attained 18 years of age or more on balloting day shall have the right to become a voter and shall exercise this right in electing the President and the deputies as long as he or she has not lost legal eligibility.**
- 2. Registration in the voters lists is mandatory**
- 3. It is not possible to have the name of the voter incorporated in more than one constituency, neither is it possible for the voter to cast a ballot in a constituency other than the one he or she has registered in. No voter is allowed to use the right to vote for more than one time in each election. In the event of having a voter's name incorporated in more than one constituency, he or she should select one constituency.**

**(Article 25)**

1. The permanent commission shall divide constituencies into election areas for the purpose of registering voters and determining balloting stations. A committee, which will be identified as " the committee for organizing the voters lists", shall undertake the preparation and organization of voters' lists and registration of residents in the election areas in the voter's lists. All this shall be done in accordance with instructions, procedures and deadlines determined by the permanent commission within the confines of this law and the regulations issued in this regard.
2. The committees for organizing the voters lists referred to in paragraph 1 of this article shall be made up of a president and an adequate number of employees who have the right to vote and who enjoy qualification, integrity and impartiality.

(Article 26)

1. In each of the constituencies, there shall be a permanent election table designed by the constituency committee that contains the total number of voter's lists that are set up by the committees for the organization of voters' lists in the areas that fall within the jurisdiction of the constituency.
2. The permanent election table shall consist of the four parts of the name of each citizen residing in the constituency who meets the terms required for elections as well as his or her title, sex, date and place of birth, address of permanent residence, type of personal identification and its number.
3. Voters' lists shall be arranged according to alphabetical order in line with the private data for every voter.

(Article 27)

The committee arranging the voters' lists may ask any person to prove any of the data incorporated in the voters' lists or provide evidence for the terms that render him or her eligible for the voting rights.

(Article 28)

**Voters' lists in every constituency should be either edited or amended four months before the date of balloting. This can last for 30 days and should include the following:**

- 1. Adding names of citizens who have become eligible for voting in accordance with article 24, paragraph 1**
- 2. Adding names of citizens who have been unjustly not registered in previous lists**
- 3. Taking out names of the deceased**
- 4. Removing names of those who lost the required terms or those whose names have been unjustly registered**
- 5. Removing names of people who moved out of the constituency and adding names of those who moved in the constituency.**

**(Article 29)**

**The Ministry of Interior shall provide the committees for the organization of voters lists within the period between the 15<sup>th</sup> and 30<sup>th</sup> of the month that precedes the initiation of editing voters lists, pursuant to article 28, a list of deceased individuals after the adoption of the final voters lists of the previous elections.**

**(Article 30)**

**After the completion of editing and amending the voters lists, the committee shall publish the lists in public locations within the election areas allocated by the permanent commission. This should be done within 10 days following the completion of the registration period indicated in article 28.**

**(Article 31)**

**Registration of voters and editing of voters lists shall be publicly conducted in a manner that enables observers, journalists and media to monitor and observe.**

**(Article 32)**

**The published voters lists in this chapter shall be known as the Preliminary voters lists. They can be contested in accordance to provisions that shall be indicated in the following Chapter.**

## **Chapter 2**

### **Objecting to voters lists**

#### **(Article 33)**

- 1. Every citizen residing in an election area whose name has been unjustly left out of the voters list in his area or if a mistake in his personal data appears in the lists, he shall submit an objection within 7 days from the date of publication.**
- 2. Every voter or political party can either request the listing of a name of a citizen who was unjustly left out of the voters lists within one week from the date of publication of voters lists or have the name of a person removed if it has been unjustly listed.**

#### **(Article 34)**

- 1. Objections and requests indicated in Article 33 above should be submitted in written form together with evidence in documents to the committee for the organization of voters' lists in the allocated election area within a week following the publication of lists.**
- 2. The committee registers these requests in a special register and issues receipts for filers. It is possible for political parties, candidates for presidency, observers, journalists and the media to look at these registers.**
- 3. The committee shall settle these requests to add, remove or amend within two weeks following the end of the objection period. The committee shall hear the filers or those on whose behalf the files were submitted and can conduct the required investigation and inquiry.**
- 4. If the objection is related to the question of having one's name registered or not in the voters list, the objection request cannot be settled without notifying the person in question to enable his or her defense.**

#### **(Article 35)**

- 1. The decision made by the committee for the organization of voter's lists shall be appealable at the Conciliation court three days following notification in the area where the person who has been contested resides. The Court shall settle the case within 5 days following the date of following the appeal and the decision shall be final.**

2. File and contest suits pursuant to this chapter shall be exempted from fees.

(Article 36)

The Preliminary voters lists shall be corrected in light of what is decided by the committees for the organization of voters lists related to objections submitted to them. In the event of appealing the decision, correction is accorded to the court's decision.

(Article 37)

1. After completing the previous procedures, heads of the committees for the organization of the voters' lists refer the lists to constituency committee to scrutinize and later adopt.

2. The constituency committee shall set up one table for every constituency in which, in addition to data stipulated in article 26, paragraph 3, it will demonstrate the name of the election area, the balloting station related to every voter.

(Article 38)

1. The permanent election commission shall publish the constituency voters' lists in appropriate public places. It shall also provide copies to political parties. These lists shall be final and cannot be contested unless there is alleged forgery.

2. The listing of a person's name in the final voters lists is absolute evidence of the person's right to vote in the general elections.

Chapter 3  
Candidacy for Presidency

(Article 39)

1. Any one who meets the conditions for Presidency candidacy as stipulated in Article 40 shall submit to the permanent commission an application for this purpose with his name or he or she could do that through a political party.

2. It is not possible for a political party to nominate more than one candidate for presidency

3. It is not possible for a person nominated for presidency to be nominated for membership in the Deputy council at the same time.

**(Article 40)**

Every candidate for presidency must meet the following conditions:

1. S/he must be Palestinian
2. Should have completed 35 years of age or more on balloting day
3. Should be registered in the final voters lists
4. Should not have been sentenced by a Palestinian regular court for an election crime or a misdemeanor violating honor or a felony and should have their esteem recuperated.

**(Article 41)**

Registration for presidency candidates shall start 60 days prior to balloting date and shall last for 10 days. Application submitted after 2:00 PM on the 10<sup>th</sup> day shall not be accepted.

**(Article 42)**

Applications for presidency shall be submitted to the permanent election commission on a special form designed by the commission, provided that the form shall include the following:

1. The four parts of the name of the candidate, the date and place of birth, sex, address and the number of his name's registration in the final voters lists.
2. If the candidate represents a political party, he should attach a letter from the party proving his candidacy on behalf of that party.
3. An independent presidency candidate should attach with his application form a list of at least 5000 names bearing a written support for his candidacy, of whom at least 500 should be from every constituency.
4. Every candidate for presidency must deposit with the permanent election commission a sum of money that shall be determined by the election commission. The sum shall only be returned in the event of winning the elections or in the event of withdrawal one week prior to balloting day.

**(Article 43)**

The permanent election commission registers applications for candidacy submitted to it and shall issue a certificate for anyone who requests it.

The certificate shall include the time and date of application submission as well as the registration number.

## Chapter 4 Candidacy for the Deputy Council

### (Article 44)

1. Candidacy for membership in the Deputy Council is restricted to political parties. It is not possible for other than political parties to nominate people in the party's list.
2. Every political party can run for the Deputy Council election through the party's list in all or some of the constituencies.
3. The number of candidates in one party list should be equivalent to the number of seats allocated for the constituency
4. It is not possible for the political party to present or participate in more than one party list for each constituency

### (Article 45)

1. It is possible for more than a political party to join in one party list. This shall be known as a coalition.
2. It is conditional that the coalition must run in all constituencies where the coalition decides to run for elections. It is not possible for parties in coalition to run for elections with a coalition list in one constituency that is different in other constituencies.

### Article 46

1. Neither public servants in ministries, government and official establishments and security apparatuses who receive a salary from state's coffers or other public funds related to the State's coffers or under its supervision nor staff members of international organizations and local council Heads, are allowed to nominate themselves for the Deputy Council or for Presidency unless they resign their posts 10 days prior to the declaration of final voters lists. Their resignations shall be accepted by discretion.
2. Only the President who wishes to renew his presidency for one more time shall be excluded from paragraph 1 above.



3. Candidates for Presidency or candidates in party's lists must attach a letter of resignation with application forms for candidacy if they fall in the categories referred to in paragraph 1.

(Article 47)

1. Registration of the party's lists should start 60 days prior to balloting day and shall last for 10 days. Candidacy applications shall not be accepted after 2:00 PM of the 10<sup>th</sup> day.
2. Every political party shall submit its lists for the constituencies where it intends to run for elections to the election commission on a special form designed for that purpose.
3. The party shall select a person to represent it before the election commission and before all the election committees and the competent parties during the period of elections. The election commission shall be notified of the person's name assigned for this job before submitting any part's lists or candidates for presidency.

(Article 48)

The candidate in the party's list must meet the following terms:

1. He must be Palestinian
2. His name must be listed on the final voters list of the constituency
3. He should be 25 years of age or more on balloting day
4. He should not have been convicted by a Palestinian regular court for an election crime or a misdemeanor violating honor or a felony and have their esteem recuperated.

Article 49

1. Every party must submit its lists for every constituency where it intends to run for elections in addition to the symbol that will signify the list provided that the symbol will be the same in all lists for all constituencies.
2. It is not possible for the list's name or symbol to belong to another party's list or another political party neither is it possible for the name or the symbol to inspire affiliation to the Executive Authority.
3. The list must be arranged according to priority of candidates and should start with number 1 so that the seats won during elections will be accorded to the candidates according top order in the list.

**(Article 50)**

1. The application form for an election list shall contain the following:
  1. The name of the party or parties in the list
  2. The constituency where the list will run for elections
  3. The four parts of the name of the candidate, sex, place and date of birth, address and the registration number in the final voters lists.
  4. A certification from every candidate indicating his approval for listing his name and rank on the list.
  5. Arranging candidates in the list

**(Article 51)**

1. It is possible for the candidate on a list to withdraw his candidacy upon a written notification to be submitted to the election commission. A copy of the notification should be delivered to the party on whose behalf he was nominated at least 10 days prior to balloting day.
2. The party shall fill in the vacant position of the withdrawn candidate within 2 days following his withdrawal. In the event of impact left on the order of candidates in the list, the election commission must be informed about the new order within the same period.
3. Paragraph 2 above applies equally in the event of death of one of the candidates on the list or in the event of eligibility loss.

**(Article 52)**

1. The commission shall set up a list of cash insurance referred to in Article 42, paragraph 4. The list will include the name of the depositor, the value of the deposit and whether it would be returned as indicated in this law.
2. Non returnable deposits shall be transferred to the budget of the permanent election commission

**Chapter 5**  
**Objecting to Nomination**

**(Article 53)**

1. After the end of the period for the submission of applications for candidacy referred to in chapters 3 & 4 in this Title, the permanent election committee publishes the names of candidates for presidency;

part lists as well as parties that represent them and names of the candidates. Publication shall be made within 2 days following the deadline for the submission of applications.

2. Publication shall be made in Dailies and in public locations allocated by the permanent election committee.

**(Article 54)**

1. It is possible for every voter or political party participating in the elections to object to any candidate for Presidency and any party list within the constituency or any of the candidates in the list. The reasons for the objection should be well elaborated and based upon the violations of one or more conditions that qualify the candidate or the party list or in contravention with the provisions related to candidacy procedures stipulated by law.

2. Objections shall be submitted in written form to the permanent election commission within 3 days after the publication of lists. The elaboration must explain the reasons for the objection.

**(Article 55)**

The permanent commission shall settle issues of the submitted objections within 3 days at most following their referral either by rejecting the objection or by accepting it. In the event of acceptance, the commission orders the removal of the name of the candidate for presidency or the party list or any of the listed candidates.

**(Article 56)**

1. Any person:

One- Whose candidacy for presidency has been rejected by the permanent commission

Two- Had his name as a candidate removed due to an objection some else

Three- Objected to the candidacy of somebody else's for a certain position and the commission rejected the objection

Can appeal the commission's decision at the Election Appellant Court within 3 days after notification of the decision. The court shall settle the issue within 3 days following submission.

## **2. Every political party**

**One- That submits its party lists and rejected by the permanent commission or rejected one of the candidates**

**Two- Removed the party list or any of the candidates upon an objection by somebody else**

**Three- Objecting to a party list or one of the candidates on the lists and the commission rejected the objection**

**Can appeal the commission's decision at the Election Appellant Court within 3 days after notification of the decision. The court shall settle the issue within 7 days following submission.**

**3. All appeals submitted in accordance with this Article shall be exempted from fees.**

## **Title 4**

**Funding and overseeing the election campaign and election propaganda**

### **Chapter 1**

**Funding the election campaign**

#### **(Article 57)**

- 1. It is not possible for any candidate for presidency or a candidate in a party list to obtain direct or indirect funding from the State's coffers or from any official or quasi-official establishment unless upon a special law in this regard.**

2. For the purposes of this article, delivered cash, transferable or non-transferable funds shall be regarded as direct funding; facilitations or assistance of any sort shall be regarded as indirect funding; if they are granted in distinction to a candidate for either a presidency candidate or a candidate on the party's list or any other list.

**(Article 58)**

1. It is possible for a candidate for presidency or a party's list to receive direct or indirect funding from individuals or from unofficial establishments.
2. It is not possible for a candidate for presidency or a party's list to obtain funding from a foreign party.
3. The permanent commission can set up regulations to regulate donations and obtain funding

**(Article 59)**

1. Every candidate for presidency and every political party running for elections must demonstrate on a special form designed by the permanent commission the sources of funding the election campaign and ways of dispensing the sums of money. This shall occur after the conclusion of elections, one week after the declaration of results
2. The permanent commission can ask for clarifications or additional data from the presidency candidate or from the political party over election campaign funding.
3. The permanent commission can ask, at any time, the presidency candidate or any political party running for elections to provide information or data on election campaign funding.
4. If the commission finds out any violation of the law, the case will be referred to the competent court.

**(Article 60)**

Data and forms presented by candidates for the post of President and the political parties running for elections on funding their election campaigns shall be kept in public records and open to the public and the media to look at.

**(Article 61)**

- 1. Every candidate for presidency and every political party running for elections shall open an account in one of the Banks operating in Palestine in which all funds allocated for the election campaign shall be deposited or any cash revenues granted to fund the election campaign until they are spent.**
- 2. Every candidate for presidency and every political party running for elections shall appoint one certified accountant or more, depending on the need, to manage the financial accounts related to the election campaign and to prepare the reports requested by the permanent commission.**

**Chapter 2  
Campaigning**

**(Article 62)**

**Every political party and / or candidate for presidency can organize various legitimate activities to explain their election agenda to the public in a manner and method that they deem appropriate without contravention with the existing rules and regulations.**

**(Article 63)**

- 1. The Executive Authority and its various establishments shall be committed to a stance of neutrality during the various stages of the election process. It is not possible for the Executive Authority or any of its administrative or security apparatuses to conduct any election activity or campaigning that could be understood to be support for a presidency candidate at the expense of another presidency candidate or for a party's list at the expense of another party's list.**
- 2. The official media shall be committed to neutrality during all stages of election campaigning. It shall not be permitted for any establishment or any official media institution to broadcast any program that can support a candidate at the expense of another candidate or a party's list at the expense of another party's list.**
- 3. Without prejudice to paragraphs 1 & 2 above, the Executive Authority, under the supervision, knowledge and direction of the permanent commission, can issue and broadcast bulletins and ads**

that highlight the significance of elections and urge citizens to exercise their natural right to balloting.

**(Article 64)**

1. Without prejudice to paragraphs 1 & 2 in Article 63 above, the election commission, in cooperation with the official media, can produce a special program that list times and dates for free and gratuitous media for all candidates for the post of President and for the participating parties in elections.
2. In producing this program referred to in the above paragraph 1, the need for equal and appropriate opportunities for all parties and candidates, shall be taken into account, taking into consideration the number of lists presented by every party in the constituency. As for presidency candidates, all opportunities should be equal.

**(Article 65)**

1. Election campaigning shall start 40 days prior to balloting day and shall terminate 24 hours before it.
2. All forms of campaigning shall be banned one day before balloting day as well as on balloting day

**(Article 66)**

The permanent commission shall issue introductory bulletins and ads that urge the electorate to participate in elections. The commission shall specifically issue the following bulletins:

1. An introductory bulletin to the electorate about the election code and how to register, ballot and object.
2. A bulletin targeting the security personnel to explain to them how to behave during the election campaign, balloting and counting

3. A bulleting for observers on balloting stations, their number and distribution and how to behave should they disclose any crack in the election process.
4. A bulletin for political parties and presidency candidates depicting all locations and public places in constituencies where it is allowed to hang elections billboards and posters.

**(Article 67)**

Without prejudice to the right of presidency candidates and parties to conduct their campaigns and publicize agendas and their candidates in the time, place and method they deem appropriate, the following shall be taken into account in election campaigning:

1. Avoidance of slander and libel against other candidates
2. Avoidance of holding festivals or public meetings in mosques or churches or places near hospitals or in buildings and places occupied by government offices or public establishments.
3. Avoidance of setting up billboards and posters in locations and public places other than those designated for that purpose
4. Avoidance of using government slogans in bulletins or ads or in any written forms, election drawing and pictures.

**(Article 68)**

1. Every presidency candidate or political party running for elections or any candidate within a party's list whether by himself or on somebody else's behalf shall be banned to ask for donations or gifts or cash or material assistance or any other types of benefits or even promise to present to a natural or a juridical person with the intention of impacting voting.
2. A presidency candidate or any candidate on a party's list shall ban every person to ask for things like gifts or donations or assistance or promise to have them.

**Chapter 3**  
**Elections Security**

**(Article 69)**

The competent Palestinian security services will maintain security of the election process and the security of citizens without prejudice to the



integrity of elections or violation of the election Code or the voter's rights or candidate rights on the lists.

**(Article 70)**

1. No individual other than those of the security services shall be allowed to carry a firearm or any other weapon or tool punishable by law inside the balloting station or at the entrance.
2. Keeping order inside the balloting station is the responsibility of the Head of the balloting station committee. He can ask for assistance from the security personnel upon need. Security personnel cannot enter into the balloting station unless upon a request by the Head of the balloting station committee.
3. It is not possible for the general security personnel to enter the balloting station on balloting day or during counting unless they need to cast their ballots or upon a request by the Head of the balloting station committee as indicated in paragraph 2 above. In the event of casting a ballot, security personnel shall enter the balloting station without firearms.

**Article (71)**

Security men tasked to provide security to elections shall be subject to the directions and instructions of the Permanent Elections Commission. They shall work in accordance with instructions issued to them from their supervisors, in close and complete cooperation with Constituencies' Committees and Polling Stations Committees

**Agents of Candidates Running for Presidency  
and Accredited Representatives of Parties  
Article (72)**

1. Each candidate running for presidency may appoint agents for him to act as observers in the different stages of the electoral process, particularly during balloting and counting of votes, provided that they have been officially approved by the Permanent Elections Commission, at least seven days before the date of balloting.
2. Each political party participating in the elections may appoint representatives for it, to act as observers during the different stages of the electoral process, particularly during the balloting and counting of votes, provided that they have been officially approved by the Permanent Elections Commission, at least seven days before the date of balloting.
3. Names of agents and representatives shall be registered at the Constituencies Commissions. The said Commissions shall issue a certificate in the name of each agent and representative for authorization.

**Chapter Five  
Observers and Journalists  
Article (73)**

1. Each Palestinian Non-government organization operating in the field of democracy and/or human rights, and/or rule of law, or considers watching and monitoring the integrity of elections as one of its objectives, may submit an application to the Permanent Elections Commission, to be registered as an observer in the elections.
2. Applications mentioned in the above clause (1) shall be submitted three months before the date of balloting, and shall continue for one month.

**Article (74)**

1. Application shall be submitted on the form prepared for this purpose, which shall include:
2. Name of the non-government organization, and its address
3. Names of individuals who will participate in the monitoring and observation, their academic qualifications, and how they are distributed and divided to different constituencies and electoral units.
4. Name of the person authorized to contact and communicate with the Permanent Elections Commission and Constituencies Commissions, on behalf of the non-government organization, regarding the existence of any violations to law, or any situation or case in the electoral process.

#### **Article (75)**

1. The Permanent Elections Commission shall issue to the NGO a certificate of registration as an observer in the elections. Each person participating in the monitoring and observation process shall be issued an observer card.
2. All agents and persons tasked to implement the provisions of this law, as well as security men, shall provide all facilities to each bearer of observer's card.

#### **Article (76)**

The Permanent Elections Commission may approve registration of international organizations or entities as observers in the elections. Such organizations and entities shall enjoy the same rights and facilities given to local observers.

#### **Article (77)**

The observer shall have the right to monitor and observe all phases and stages of the electoral process, particularly being present in the Polling Station on the day of balloting. Further, he shall have the right to attend the process of counting votes, and to review the different records of elections.

#### **Articled (78)**

- 1. The observer shall in case he discovers any violations to the Elections Law, or any fault or deficiency in the progress of the electoral process, submit a report to the concerned party in the non-government organization that appointed him to observe the elections.**
- 2. The representative of the organization shall submit a report to the Permanent Elections Commission, or to the Constituency Commission, as required by the situation, regarding any violations, mistakes, fault, or deficiency in the progress of the electoral process, as notified to him by the observers.**

#### **Article (79)**

- 1. In case of submission of any reports regarding any violations or breach of the Elections Law, in accordance with the above article, or in case a report is submitted by any candidate running for presidency, or by any participating political party, regarding the existence of any violations to law, or any fault in the electoral process, the Permanent Elections Commission, or the Constituency Commission shall immediately investigate the content of the report.**
- 2. If the Permanent Elections Commission or the Constituency Commission finds out that the content of the report submitted by the observer, the candidate, or the political party, is correct, then it shall decide the appropriate action, in accordance with law, and it may refer the subject to the concerned court.**
- 3. Upon the completion of investigation, the Commission which conducted the investigation, shall reply in writing to the party which submitted the report, and specify the procedures that have been taken in investigating the report, the results that it has reached at, and the actions that have been taken, in case there was a violation to law, or fault in the electoral process.**

**Title Five  
Balloting**

**Chapter One  
Ballots**

**Article (80)**

1. The Permanent Elections Commission shall after consultation with political parties participating in the elections, prepare special and unique ballots that are difficult to be imitated. The ballots shall be clear, easy to understand, and avoid any confusion, mix up, or dubiousity for the voter "elector".
2. All ballots to elect the president shall have a uniform and standard form, size, and color in all Polling Stations. Further, ballots for the Deputies' "Legislative" Council shall have a uniform and standard color and size in all constituencies and Polling Stations.
3. The color and form of ballots for the elections of the President shall be different from the color and size of ballots to elect coalition, independents' list, to the Deputies "Legislative" Council.

**Article (81)**

1. Ballots papers for the elections of the President shall include the full name of all candidates (First Name, Middle Name, Third Name, and Family Name) and Anonym Name if there is any. However, in case of candidates nominated by parties, the party's name shall be mentioned opposite to the candidate's name.
2. The ballots for the elections of the Deputies' "Legislative" Council Members, shall include the names and/or the symbols and codes of political parties and lists, which are represented by those lists, as well as the name of the Constituency where balloting is taking place.
3. Ballots mentioned in the above two clauses (1 and 2) shall include a square next to the name of each candidate running

for Presidency, or independents list, in order to mark it with (X) sign, to indicate and show the candidate or the list that the elector chooses.

#### **Article (82)**

The sequence and the arrangement of the candidates' names running for presidency position, and the names/or the codes of the independents lists in the ballots, shall be in accordance with the date of submitting the candidacy request to the Permanent Elections Commission.

### **Chapter Two Polling Stations**

#### **Article (83)**

The Permanent Elections Commission shall specify in each Constituency one or more Polling Stations as required.

#### **Article (84)**

The Polling Station shall meet the following conditions and requirements:

- I. Accessible to electors to include those who have disabilities
- II. Provides good and sufficient space to accommodate the Polling Station's Commission, representatives and agents of candidates running for Presidency, as well as accommodate observers, journalists, and provides for confidential and secret balloting and ballots counting.
- III. Provides small rooms or booths made of curtains or of any proper material, to allow the elector ballot in a confidential and secret manner.
- IV. Provides for safety means, such as fire extinguishers, and new security steel for windows.

#### **Article (85)**

The name and/or the code of each independent's list shall be placed in a proper place in each Polling Station, as well as the names of its members, their sequence in the list, the name of the party or parties represented in this list.

#### **Article (86)**

- 1. The Permanent Elections Commission shall make the necessary arrangements that will enable the persons' whose freedom is restricted to ballot. To this end, it can establish Polling Stations in the detention centers, it sees and considers appropriate.**
- 2. The Permanent Elections Commission shall allocate a specific and special place to count votes mentioned in the above clause (1).**

#### **Article (87)**

**The Permanent Elections Commission shall develop and set up a system that illustrates the method of work at the Polling Stations mentioned in the above article (86). Such system shall provide for the confidentiality and secrecy of balloting, the integrity and transparency of the electoral process, and maintains the right of candidates running for Presidency, independents' lists, and observers.**

### **Chapter Three Polling Stations Commissions**

#### **Article (88)**

- 1. A Commission called Polling Station Commission, which shall be responsible for the management and administration of the Polling Stations, shall supervise balloting at each Polling Station. It shall be practically responsible for the organization and conduct of the balloting process and counting of votes.**
- 2. The Polling Station Commission shall consist of four members, one of which shall act as the President of the Commission. The Permanent Elections Commission, based on a recommendation submitted by the Constituency Commission, shall appoint them.**

3. The Permanent Elections Commission shall appoint based on a recommendation submitted by the Constituency Commission a number of a standby (reserve) members for the Polling Stations Commissions in each Constituency.

#### **Article (89)**

The President and members appointed in the Polling Stations Commissions shall have at least a high school certificate.

#### **Article (90)**

1. Members of the Polling Station Commission shall be present at six thirty on the day specified and scheduled for elections.
2. If the president of the Commission, any members, or all members of the Commission are absent, the Constituency Commission shall send another member from those appointed as standby (reserve) members, to replace the absent member. However, if all members of the Commission are absent, then the Elections Permanent Commission shall appoint an alternative Commission from the standby (reserve) members.
3. The Commission shall immediately inform the Constituency Commission of any changes that might occur to its composition.
4. In case of a delay in forming the Commission due to absenteeism of one member or all members, the time allocated for polling shall be extended and prolonged for a time period equivalent to the delay period. In case there are at least three members of the Commission, the polling process may start upon the arrival of the fourth member.

#### **Article (91)**

1. The president of the Polling Station Commission may expel from the Polling Station, or the surrounding area, any person who attempts to disrupt order at the Polling, or hinder the polling process and counting of votes.



## **Chapter Four**

### **Polling**

#### **Article (92)**

Each voter shall exercise his right to free, direct, secret, and confidential elections. Voting shall be conducted in person, by the way of a ballot.

#### **Article (93)**

Without prejudice to the content of the above article (92), and upon a request of a voters who is illiterate or bodily incapacitated, the President of the Polling Station Commission, shall approve the procedure wherein another person selected by the voter concerned, may assist the voter in selecting and marking the name or the lists he selects. The procedure shall be seen and heard by the President of the Polling Station Commission.

#### **Article (94)**

Polling shall start at seven o'clock in the morning, and shall end at seven o'clock in the evening of the day specified for polling (from 7:00 a.m to 19:00 p.m.).

#### **Article (95)**

The voter shall not exercise his right to vote in a Polling Station different from the one where his name is registered. Further, he shall not exercise this right more than once in the same elections.

#### **Article (96)**

The Constituency Commission shall deliver to the person in charge of the Polling Station Commission, a number of ballots that exceeds (10%) the number of voters registered in the Elections Register of the Polling Station. A receipt shall be delivered to him.

#### **Article (97)**

- 1) Before the commencement of the polling process, the Polling Station Commission, shall prepare a minutes that includes the names of attending Polling Stations members, the names of

agents for candidates running for presidency, as well as the names of attending accredited representatives of parties, and the number of their accreditation certificates.

#### **Article (98)**

- 2) Immediately before the poll is open, and in presence of agents for candidates running for presidency, as well as parties' representatives, and accredited observers s, the president of the Polling Stations Commission, shall ensure that the ballots boxes are empty, do not have any thing inside them, and seal them with his seal, in a manner that they will not open without being broken, and will keep only the slot opened to enable casting ballots inside them.

#### **Article (99)**

1. Two boxes shall be placed in the voting booth in the Polling Station. One will be designated for the Elections of the President, and the other for the Elections of the Deputies' "Legislative" Council. Each box shall be clearly unique and different from the other. Further, each box shall have a slot wide enough to insert the ballot paper in it.
2. The shape and color of the box designated for the Elections of the Presidents shall be uniform and standard in all Polling Stations. Also, the shape and color of the box designated for the Elections of the Deputies' "Legislative" Council Members shall be uniform and standard in all Polling Stations.

#### **Article (100)**

1. The voter shall be given two ballots after verifying his name in the Voters Roster. One ballot for the Elections of the President, and the other for the Elections of the Deputies' "Legislative" Council, together with an envelope for each of them. Both ballots shall be stamped by the Polling Station's stamp. The voter shall receive an explanation on how to cast his vote.

2. The President of the Polling Station may verify the identity of the voter by checking his identity card, or any other document acceptable by the Polling Station Commission.
3. The President of the Polling Station Commission shall mark the name of the voter after given him the two ballots, as per above clause (1). He shall retain the Identification Card (ID) of the voter who enters the voting booth alone to cast his vote to the candidate running for presidency, and for the election list he wants, by putting (X) mark in the square set for this. He shall place the ballot in its own envelope.
4. The voter shall at the presence of the Polling Station Commission members, agents, representatives, and observers place each envelope in the corresponding balloting box.
5. The Identification Card (ID) shall be returned to the voter, who shall immediately leave the polling station.

#### **Article (101)**

The voter shall vote in accordance with the manner prescribed in the above article. He may -if he wishes- refrain from voting by expressing this verbally to the Commission, and shall return the two ballots. However, he shall not in any case leave the elections hall with the two ballots with him.

#### **Article (102)**

If a voter convinces the President of the Polling Station Commission that he unintentionally spoiled his ballot in the course of voting, that it became useless, and before inserting it in the box, the President of the Commission shall give him after receiving the spoiled ballot, a new ballot, and shall immediately cancel the spoiled one.

#### **Article (103)**

The number of voters inside the Polling Station shall not exceed at any time, twice the number of isolated places, designated for voters in that Polling Station.

#### **Article (104)**

The Polling Station Commission shall allow the agents of candidates running for presidency, representatives of parties, and observers to stay at proper places in the Polling Stations. The Commission shall record their names and presence in the "minutes" Poll Book, enable them to observe and monitor the polling process, and register in the Poll Book any observation, comment, or objection expressed by any of them in relation to the polling process, in addition to making proper decisions in this regard.

#### **Article (105)**

Candidates running for presidency, and candidates included in the electoral lists shall not enter the Polling Station, except for practicing their rights to vote.

#### **Article (106)**

1. At the time specified for the end of polling, the President of the Polling Stations Commission shall close polling. Only voters who are in line, at the Polling Station at the time of closing, shall be allowed to cast their vote.
2. After the voters who stand in line finish from casting their vote, members of the Polling Stations, agents, and parties' accredited representatives, shall cast their vote. Their names shall be recorded at the end of the voters' list. Each of them shall place his signature next to his name on the list.

**Title Six**  
**Counting Votes And Announcement of Results**

**Chapter One**  
**Counting Votes**

**Article (107)**

1. After completion of the voting process, the Polling Station Commission shall immediately start counting votes without delay, and in the Polling Station itself.
2. Counting shall be done in the presence of Polling Station Commission members, agents of candidates running for presidency, accredited observers of parties, observers, journalists, and authorized media agents.

**Article (108)**

The Polling Station Commission shall start opening both boxes simultaneously, open envelopes, and count ballots of the Presidency and ballots of the Deputies' "Legislative" Council. The Commission shall place ballots of the Council after arranging them in the box and seal it, and then it shall start first with counting the votes of electing the President.

**Article (109)**

1. Without prejudice to the provisions of this law, the votes shall be counted in accordance with the method specified by the Permanent Elections Commission. However, the counting method shall be unified and standardized at all Polling Stations.
2. The President of the Polling Station Commission shall distribute the ballots of electing the President evenly and equally to each two members in the Polling Stations. The Polling Station member shall start counting, while the other do the recording. Upon Completion, he shall bring the four minutes in accordance with article (113) of this law.

#### Article (110)

1. Agents for candidates running for presidency, accredited representatives of parties, and observers, shall have the right to view any ballot after reading it, if any of them requests so.
2. After completion of the counting process, number of ballots papers shall be verified, to include void and blank ballots, with the number of voters registered in each list of the voters' lists prepared by the Polling Station Commission members, and with the number of voters whose names have been deleted from the voters' roster during the polling process. Minutes of four copies shall be prepared about the situation.
3. In case of contradiction or incompatibility, counting will be repeated in the same way and manner that has been applied and used in the first time. If the recounting process shows any difference that may affect the final result of the elections, polling shall be repeated in the Polling Station based on the decision of the Permanent Elections Commission, in accordance with the recommendation of the Polling Station Commission.
4. Objections rose by agents of candidates running for presidency, and accredited representatives of parties, during the counting process shall be recorded, as well as the decisions of the Commission regarding them, in the Poll Book (minutes).
5. Agents of candidates running for presidency, accredited representatives of parties, and observers, may prepare a copy of the two minutes, and ask the President of the Polling Station to sign them.

#### Article (111)

1. After completion of counting votes for electing the president, the Commission shall immediately start

counting the votes of electing the Deputies' "Legislative" Council.

2. Counting of votes related to the election of the Deputies' "Legislative" Council shall be in accordance with the procedures stipulated in article (109) and (110) of this law.

#### Article (112)

1. A ballot shall be considered invalid if:
  - a. It is not of the type officially prepared the Permanent Elections Commission
  - b. Not stamped by the Polling Stations Commission stamp
  - c. Has marked more than one candidate in the ballot of electing the president, or has marked more than one electoral list for electing the Deputies' "Legislative" Council.
  - d. Involved changes to the sequence of the candidates' names running for presidency, to the lists, or to their names.
  - e. Ballots that do not belong to the Constituency where polling took place.
  - f. Involved markings or writing in a manner that the voter can be identified.
2. Ballot shall be considered blank if it did not include any marking that is in favor of any candidate to presidency or elections lists.

#### Article (113)

1. After completion of the counting process, the Polling Station Commission shall prepare two final minutes. The first minutes shall be for the President's election, and the second shall be for the elections of the Deputies' "Legislative Council".
2. Each of the above minutes shall be made of four copies
3. Each minutes shall include:
  - a. Name and Number of the Polling Station

- b. Names of Candidates' agents, and accredited representatives of parties, who attended the counting process.
- c. Number of voters registered in the Polling Station
- d. Number of voters who cast their votes, and number of ballots by which they voted.
- e. Number of people who abstained to vote
- f. Number of spoiled ballots, number of blank ballots, and number of replaced ballots.
- g. Date of conducting the counting
- h. The minutes for the elections of the president shall include in addition to the items mentioned in the above clause (3), the names of candidates running for presidency, the number of votes that each candidate received, arranged in a descending manner.
- i. The minutes for the elections of the Deputies' "Legislative" Council shall include in addition to the items mentioned in the above clause (3), code and/or names of elections lists, the number of votes that each list obtained, arranged in a descending manner.

#### **Article (114)**

Each of the above two minutes shall be signed by the President and members of the Polling Center Commission, and by those who wish to sign it from the agents of candidates running for presidency, and accredited representative of parties. All copies of the minutes shall be dully signed.

#### **Article (115)**

1. Each of the above two minutes attached with all valid, void, and blank ballots, shall be deposited together with other minutes "Poll Book", organized during the balloting and votes counting process, as well as objections submitted during these process, at the Constituency Commission, which shall ensure retaining them in an accurate manner.
2. A copy of the above two minutes shall be sent to the Permanent Elections Commission, and another shall be



sent to the Elections Cases Appeal Court. The last copy shall be posted at the Polling Station, provided that the Polling Station President shall officially stamp all minutes.

## **Chapter Two**

### **Results of Primary Election**

#### **Article (116)**

1. The Constituency Commission shall receive and collect all copies of minutes sent to it by the Polling Stations Commissions in its Constituency. It shall compile all elections results recorded in them as soon as possible.
2. Accredited observers, agents of candidates running for presidency, and representatives of parties, shall have the right to monitor and oversee the process of compiling and preparing the primary elections results in the Constituency.

#### **Article (117)**

1. Immediately after the completion of compiling and preparing the primary elections results, the Constituency Commissions shall send all minutes they receive from the Polling Stations Commissions, and the primary results of elections to all constituencies.
2. After the Permanent Elections Commission receive all minutes and primary elections results from all constituencies, it will through its staff and under its supervision, collect and compile the results, and prepare the primary elections results for the election of the President and the Deputies' "Legislative" Council.
3. The Permanent Elections Commission shall publish the primary general elections results in the public media.

## **Chapter Three**

### **Counting of Votes and Final Results of Elections**

## **Article (118)**

- 1. After the Constituency Commission receives all elections minutes "Poll Book" from all Polling Stations Commissions, it shall study all elections minutes sent to it, as well as study all objections, papers objected, and the results of votes recorded in them.**
- 2. The Constituency Commission shall conduct the process mentioned in the above clause (1) in a public manner. This shall take place in the premises of the Constituency Commission, and immediately after the second day of polling date. Only the following individuals shall be allowed to attend:**
  - a) Members and staff of the Constituency Commission**
  - b) Candidates**
  - c) Accredited representatives and agents of candidates**
  - d) Accredited observers**
  - e) Journalists**
- 3. The Constituency Commission shall listen to the candidates' agents or the parties' representative who submitted objections. The Commission shall make a decision about each objection, and then it shall publish the elections results in its Constituency.**
- 4. The Constituency Commission shall in case it finds out that there was any violation in the polling process, at any of the Polling Stations, which might affect the results of the election, and the distribution of seats among candidates and lists in that Constituency, to point this in its report to the Permanent Elections Commission, and to recommend repeating elections in the Polling Stations where such violations took place.**
- 5. The announcement of elections results by the Constituency Commission shall include:**

- a. Total number of voters registered in the Constituency
- b. Total number of voters who participated in the polling and casted their votes in the Constituency.
- c. Number of voters who did not participate in the polling
- d. Number of valid ballots for the election of the President, and also for the election of the Members of Deputies' "Legislative" Council.
- e. Number of void and blank ballots for the election of the President, and also for the election of the Member of the Deputies' "Legislative" Council.
- f. Names of candidates running for presidency, and number of votes each one obtained in the Constituency, arranged in a descending manner
- g. Names and/or codes of elections' lists in the Constituency, and number of votes obtained by each of them, arranged in a descending manner.
- h. Date and time of conducting the counting
- i. Signatures of the Constituency Commission President and members
- j. Candidates and political parties, or their agents and representatives may ask the Permanent Elections Commission to reconsider the decisions issued by the Constituency Commission regarding the objections submitted to it.

#### **Article (119)**

Upon completion of all above stipulated procedures, the President of the Constituency Commission shall deliver all minutes, papers and material related to it, attached with a report on the procedures it

conducted, and the results it reached to the Permanent Elections Commission.

#### **Article (120)**

1. The Permanent Elections Commission shall after it receives all minutes "Poll Book", papers, material attached to it, and reports prepared by the Constituencies Commissions, start the process of preparing the final results of voting.
2. The preparation of the final results shall be conducted in a public manner, and no later than five days from the Polling Day. This process shall be conducted in the premises of the Permanent Elections Commission. Only the below mentioned persons shall be allowed to attend the counting process:
  - a. Members of Permanent Elections Commission
  - b. Agents of candidates running for presidency, and accredited representatives of parties.
  - c. Observers
  - d. Journalists
3. The Permanent Elections Commission shall study all reports of the Constituencies Commissions, and the decisions issued by such Commissions regarding the objections submitted by the candidates, their agents or representatives, and shall hear the statements they wish to make.
4. Upon the completion of the above procedures, the Permanent Elections Commission shall announce the final results of elections and publish them in various mass media.

#### **Article (121)**

The Permanent Elections Commission shall in case it finds out that there were violations in the polling process, at any of the Polling Stations, which might affect the results of the elections, whether for the Presidency or for the Deputies' "Legislative" Council, decide to repeat elections in the Polling Stations where such violations took place, no later than ten days.

#### **Article (122)**

The announcement of the final results of elections shall include:

- a. Total number of voters registered in the final rosters of voters.
- b. Total number of voters who participated in the polling and casted their votes in the Constituency.
- c. Number of voters who did not participate in the polling
- d. Number of valid ballots for the election of the President, and also for the election of the Members of Deputies' "Legislative" Council.
- e. Number of void and blank ballots for the election of the President, and also for the election of the Member of the Deputies' "Legislative" Council.
- f. Names of candidates running for presidency, and number of votes each one obtained in the Constituency, arranged in a descending manner
- g. Names and/or codes of elections' lists in each Constituency, and number of votes obtained by each of them, arranged in a descending manner.
- h. Date and time of conducting the counting
- i. Signatures of the Permanent Elections Commission Constituency Commission President and members

#### **Article (123)**

**The final results of elections shall be published in the Official Gazette.**

## **Chapter Four Elected Candidates**

### **Article (124)**

- 1. The candidate obtaining the highest number of votes for Presidency shall win the presidency, provided that he won at least (50%) of the balloted votes.**
- 2. If any of the candidates did not obtain (50%) of the votes, then elections shall be repeated among those who obtained the highest votes within two weeks. The candidate who obtains the highest number of votes shall win the presidency in the second elections.**
- 3. In case of a tie among candidates who obtained the highest number of votes, elections shall be repeated among them within ten days.**
- 4. If there was only one candidate running for presidency, he will be considered a winner if the valid votes he obtained equal (50%) or more of the votes. In case he did not obtain the (50%) ratio and more, then nomination shall be opened for the presidency in accordance with the provisions of this law.**

### **Article (125)**

**The Permanent Elections Commission shall deliver an official letter to the candidates winning the presidency.**

### **Article (126)**

**Seats in the Deputies' "Legislative Council shall be distributed as follows:**

- 1. Number of valid votes in the Constituency shall be divided "distributed" to the number of seats allocated to it.**

2. The result of the division mentioned in the above clause (1) shall be the number of votes against each seat in the Deputies' "Legislative" Council in that Constituency.
3. Lists which obtained a percentage of (2%) and more of the valid votes in the Constituency, shall be given a number of seats equivalent to the number of votes it obtained, in accordance with the above clause (2) of this article.

#### **Article (127)**

The Permanent Elections Commission shall set up a system to distribute and divide surplus votes among list within the same Constituency, provided that such system shall ensure the following:

- a. Respect any agreement among the lists or political parties regarding the division, distribution, exchange, or transfer of surplus votes to each party within the same Constituency.
- b. Surplus votes shall be distributed and divided within the same Constituency and shall not be transferred to other constituencies.
- c. Votes of list which did not obtain the percentage of (2%) and more of the balloted votes shall not be distributed or divided within the Constituency.
- d. Lists that did not obtain a percentage of (2%) and more of the total balloted votes within the same Constituency shall not benefit from the division and distribution of surplus votes.

## **Title Seven**

### **Appeal in Elections and Partial Elections**

#### **Chapter One**

#### **Appeal "Contest" in the Validity of Elections**

##### **Article (128)**

1. Parties participating in the elections and candidates running for presidency, shall have the right to appeal and contest the decisions issued by the Permanent Elections Commission within two days from the announcement of the final results of the elections, to the Elections Cases Appellate Court.
2. Each elector "voter" shall have the right to appeal and contest the elections of the President, any list, or any candidate, inside his Constituency within two days from publishing the final results of elections, to the Elections Cases Appellate Court.

##### **Article (129)**

The said court shall adjudge and render a judgment in the appeal within five days from the date of submission. It shall inform the Permanent Elections Commission of the resolutions and judgment it makes, in order to act accordingly.

#### **Chapter Two**

#### **Partial Elections**

##### **Article (130)**

1. If there is a vacancy due to resignation, death, or any other constitutional reason, of a deputy in the Deputies' "Legislative" Council, then the vacancy shall be filled by the next eligible candidate in the same elections list, within which the deputy run for elections.
2. If this cannot be accomplished due to death or loss of eligibility, then the person who comes next in the same elections list, and so on so forth, shall replace the deputy.



3. If there is no such person from the same elections list, then the political party that formed the list shall appoint one of its members in the vacant seat.

#### Article (131)

In case the President's position becomes vacant in accordance with the constitutional cases, then elections for a new president shall be conducted no later than (60) days from the date, the President's position becomes vacant.

#### Article (132)

Partial Elections for the President's positions shall be conducted and held under the supervision of the Permanent Elections Commission, and in the same manner specified in the law. The Final Voters Registers, which have been prepared in accordance with the provisions of this law, shall be used after being amended to reflect cases of death and reach at legal age.

**Title Eight**  
**Elections' Crimes and Final Provisions**

**Chapter One**  
**Elections' Crimes**

**Article (133)**

Imprisonment for a period not to exceed six months, or a fine not more than two thousand Jordanian Dinars, or both penalties shall be imposed on:

1. Each who intentionally and deliberately inserted a name in the Voters' Register, or neglected to insert a name, in violation to the provisions of this law.
2. Each who inserted his name or names of others, without meeting the required conditions, while he knew this, and each who acted as previously mentioned by not inserting or deleting names of others.
3. Each one who voted in the elections while he knows that his name has been inserted in the roster without being eligible, or that he lost the required capacities to exercise this right.
4. Each who exercised his right to vote more than once.
5. Each who obtained or requested to obtain any ballot in the name of other person, whether this person is alive, dead, or fabricated.
6. Each who presented or used false or incorrect documents to identify himself.
7. Each who personates and assumed the character or identity of any other voter.
8. Each who enters the Polling Station without having the right to, and did not obey the order of the Polling Station President to leave.

**Article (134)**

Imprisonment for a period not to exceed one year, or a fine not more than one Jordanian Dinars, or both penalties shall be imposed on:

1. Each who forged or provided false data or information in the elections minutes and voters' list that has to be organized by this law.
2. Each who entered or allowed to enter ballots in any elections box for persons who absolutely did not vote, or for fictitious and false persons.

3. Each who provided false statement while he knows so, in the nomination request, announcement, date of submission, or date of registration.
4. Each who concealed, damaged, or distorted any objection statement or appeal bill, submitted by any party or candidate, in accordance with the provisions of this law.

Each who concealed, damaged, or distorted any nomination request submitted by any party or candidate.

#### Article (135)

Imprisonment for a period not to exceed one year, or a fine not more than 1500 Jordanian Dinars, or both penalties shall be imposed on:

1. Each who used force and violence, or threatened to use force and violence against any person for the purpose of:
  - a. Forcing or influencing to vote or to refrain from voting in favor of a candidate against another.
  - b. Participation or prohibition from participation in any meeting or electoral festival
2. Each who incited, helped, or enabled another person to vote in the elections while he knows that such person is not legally eligible.
3. Each who hindered, tried to hinder any voter, in any manner whatsoever, from exercising his legitimate right to vote in a free way.
4. Each who forced any voter in any manner whatsoever; to disclose the names of candidates he voted for, or in disclosing the content of the ballot by which he voted.
5. Each employee who used his position to influence his subordinates, or persons who fall under his legal control, or any other person, to vote, or refrain to vote in favor of any candidate or elections list against another.

#### Article (136)

Imprisonment for a period not to exceed one year, a fine not more than two thousand Jordanian Dinars, or both penalties shall be imposed on:

1. Each person who moves, transfers, hides, conceals, or assists in moving, transferring, hiding, or concealing any electoral material specified herein, without being instructed to do so by the

Permanent Elections Commission, or in contrary to what is stipulated in this law.

2. Each person who prints, manufacture, or prepare any electoral material stipulated in this law without an official permission from the Permanent Elections Commission.

#### Article (137)

Imprisonment for a period not to exceed three years, a fine not more than three thousand Jordanian Dinars, or both penalties shall be imposed on:

1. Each one who directly or indirectly gives, lends, offers, or undertakes to give money, benefit, or anything to a voter, to compel him to vote in a particular way, or to refrain from voting.
2. Each one who accepts, and directly or indirectly requests money, loan, benefit, or any other thing in return, either for him or for others, for the purpose of voting in a particular way, refrain from polling, or influence and incites others either to vote or to refrain from voting.

#### Article (138)

Each act, fault, negligence in carrying out any duties implied and imposed by this law, that did not have a specific penalty, shall be considered as a crime which is penalized either by imprisonment for a period not to exceed three months, a fine not more than two hundred Jordanian Dinars, or by both penalties

#### Article (139)

If any of the criminal acts specified herein, have been committed by any President or member of the Elections Permanent Commissions, by any of the administrative staff of these Commissions, or by any person who has been tasked to carry out official function or mission as per this law, then such person shall be subject to imprisonment either for a period not to exceed three years, a fine not more than three thousand Jordanian Dinars, or to both penalties.

#### **Article (140)**

Commencement of above electoral crimes shall be penalized by the penalty specified for the complete crime.

#### **Chapter Two**

#### **Final and Transitional Provisions**

#### **Article (141)**

The Polling Day shall be an official holiday where official bodies and institutions, shall have an official holiday (day off). Employers in private institutions and organizations, who continue to work in the polling day, shall make necessary arrangements, to allow workmen exercise their rights to elect.

#### **Article (142)**

The Permanent Elections Commission shall approve the "voters" electorates' roster for the 1996 Elections, as the basis for the permanent voters "electorates" rosters, together with making the necessary amendments.

#### **Article (143)**

Each announcement, decision, order, or document that are required to be notified to any person, shall be considered properly and legally notified in the next day of delivering it to the person by hand, or after four days from sending it by registered mail, to a known address of that person.

#### **Article (144)**

The Permanent Elections Commission shall develop and set up the necessary regulations to implement this law. Such regulations will go into effect from the date of publishing it in the Palestinian Official Gazette.

#### **Article (145)**

The Palestinian Elections Law No. 13 for the year 1995 and its amendments shall be repealed and abolished.

#### **Article (146)**

All concerned parties and agencies, each in its jurisdiction, shall implement the provisions of this law.

**Article (147)**

This law shall go into effect one month after being published in the Palestinian Official Gazette.